

OGC 77-2616
28 April 1977

MEMORANDUM FOR : Director of Central Intelligence

VIA : Deputy Director of Central Intelligence

FROM : Anthony A. Lapham
General Counsel

SUBJECT : Impact of the Public Buildings Act on
Certain CIA Programs

1. Action Requested: That you sign and direct the attached letters to the Chairmen of the House and Senate Appropriations Committees. The letters request the concurrence of the Chairmen in our position that funds appropriated for the Agency programs involved are available without regard to the special authorization requirements of the Public Buildings Act. Once we are in a position to certify this fact to the General Services Administration, work now being delayed can go forward.

2. Background: The Public Buildings Act provides that expenditures in excess of \$500,000 for the construction or alteration of Federal buildings be specially authorized by the Public Works Committees of the House and Senate. In excess of that amount are costs for a number of site preparation tasks which are required for installation of the computer equipment being procured for three programs improving CIA data handling capabilities (SAFE, ADSTAR and C-vault expansion). It is the position of the General Services Administration that unless the Agency can certify that the funds for these programs were appropriated without regard to the Public Buildings Act, performance of the required modifications to the CIA headquarters building must be delayed until the Public Works Committees approve these expenditures. The process of securing such approval is likely to require a year's time or possibly longer.

3. It is the Agency's position, and the opinion of this Office, that the Public Buildings Act applies only to Congressional authorization procedures prior to appropriation, and that, once appropriated, funds are available for expenditure by the Executive Branch without further requirement for authorization. GSA will accede to this view in those cases where the Congress

specifically appropriated for the project in question with an awareness that construction was involved. Because there is some uncertainty as to the degree of such awareness on the part of the Appropriations Committees when they authorized the projects in question, clarification on this point is necessary before the Agency will be in a position to certify that the funds involved were in fact appropriated without regard to the Public Buildings Act.

4. Recommendation: That the letters go forward to the Appropriations Committees and that a response be sought as indicated.

Anthony A. Lapham

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Attachments

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United States Senate

COMMITTEE ON APPROPRIATIONS
WASHINGTON, D.C. 20510

recd 7.7 June
Executive Registry

77-4746/31

Congress
6 May 77

June 21, 1977

Admiral Stansfield Turner
Director of Central Intelligence
Washington, D. C. 20505

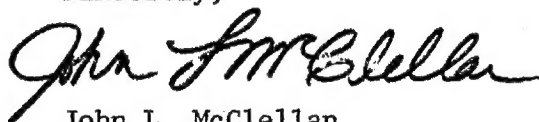
Dear Admiral Turner:

This is in response to your letter of May 25 regarding the possible need for a Public Works authorization in order to undertake a classified program.

I have discussed this matter with the Chairman of the Senate Committee on Environment and Public Works. Considering the singular purpose of the special facility, and the fact that no basic structural or architectural alterations to the building are proposed, he offers no objection to implementation of the project.

With kind regards, I am

Sincerely,



John L. McClellan
Chairman

JLM:fjm

Honorable George Mahon, Chairman
Committee on Appropriations
House of Representatives
Washington, D. C. 20515

24 MAY 1977

Honorable John L. McClellan, Chairman
Committee on Appropriations
United States Senate
Washington, D. C. 20515

Dear Chairmen:

In the process of executing the Central Intelligence Agency budget for the current fiscal year, an issue has been raised by the General Services Administration the resolution of which makes coordination with your Committees appropriate.

The Agency programs in connection with which the issue arises are those referred to in Director Bush's statements before your Committees, and in the budget submissions, as SAFE, ADSTAR and the C-vault expansion, all of which involve improving the Agency's capability for data handling. In order to implement these programs, the support of GSA has been solicited in order to accomplish the requisite site preparation and the power system improvements. By way of illustration, the equipment being acquired requires subfloor cableways, special cooling provisions, and a backup power generating source. While GSA has expressed a willingness to proceed with these tasks, the question has been raised as to whether expenditures for these reimbursable items, although necessary and incidental to the implementation of the overall programs, ought to be specially authorized by the Public Works Committees as building modifications in addition to being authorized as part of the National Foreign Intelligence Budget.

It is my understanding that your Committees were aware of all significant facets of the cited programs, including the requisite site preparation, when these programs were authorized, and that the sums appropriated for them are now available for expenditure without requirement for further authorization. If I am correct in holding this view, I shall, with your concurrence, proceed to assure the General Services Administration that this is the case so that these programs may move ahead as planned.

Yours sincerely,

/s/ Stansfield Turner

STANSFIELD TURNER
Admiral, U. S. Navy

EXECUTIVE REGISTRY FILE

ER

6 May 1977

Executive Registry

77-4746/2

+ 11 attached

NOTE FOR: The Director

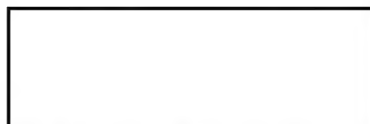
SUBJECT: Clarification on Congressional Intent
in Appropriation for Agency Programs
Involving Construction

1. Action Requested: That you sign the attached letters to Chairmen Mahon and McClellen.

2. Unless we can assure GSA that Congress appropriated funds for three Agency programs with an awareness that they would involve construction, we will be required by the Public Buildings Act to obtain the approval of the Public Works Committees of the House and Senate. This would likely cause a substantial delay in the programs involved.

3. The letters to Chairman Mahon and McClellen will obtain the needed clarification.

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Assistant to the Deputy Director

Attachment:
ER 77-4746

EXHIBIT 100-100000

Congress

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EXECUTIVE SECRETARIAT

Routing Slip

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Remarks:

3637 (5-77)

D. C. EVANS
Executive Secretary
30 June 77
Date

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